DOCUMENT RESUME

ED 282 253 CS 210 566

AUTHOR Lamb, Chris
TITLE Suppression in the Muckraking Era: The Pennsylvania Anti-Cartoon Law of 1903.
PUB DATE Aug 87
NOTE 47p.; Paper presented at the Annual Meeting of the Association for Education in Journalism and Mass Communication (70th, San Antonio, TX, August 1-4, 1987).
PUB TYPE Speeches/Conference Papers (150) -- Viewpoints (120)

EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS *Cartoons; Freedom of Speech; *Mass Media Effects; *Newspapers; *Political Attitudes; Political Power; Press Opinion; *State Legislation
IDENTIFIERS Journalism History; Libel; *Muckraking; *Political Cartoons

ABSTRACT

Based on the criticism made by the Philadelphia newspaper "North American," this paper examines the passage of the anti-cartoon bill by the Pennsylvania legislature in 1903. The paper notes that the law served not to silence political criticism but to motivate vehement attacks by newspapers throughout the country on the law, on Samuel Pennypacker--the governor who passed it--and on Matthew Quay, his political backer. It also discusses why the legislation was seriously considered at all, when the Pennsylvania Constitution, common law, and the First Amendment already provided protection against libel. The paper emphasizes that the libel law was passed during the muckraking era in American journalism, which coincided with the unprecedented rise in the number and power of cartoonists in daily newspapers. Pennypacker himself is shown to have been the target of an inexorable campaign of cartoons in the "North American" the year prior to the legislation. The paper chronicles and analyzes the attacks made by the "North American" cartoonists on Pennypacker and Quay from May 1902--when the first cartoon appeared calling Pennypacker a tool of the Quay machine--until May 1903--when the bill was signed into law. In addition, speeches by Pennypacker that referred to the measure are examined, as is the bill as it was written, amended, and approved by the Pennsylvania legislature. Fifteen of the most controversial cartoons are included, as are extensive endnotes. (JD)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED282253

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)

This document has been reproduced as received from the person or organization originating it.

☐ Minor changes have been made to improve reproduction quality.

• Points of view or opinions stated in this document do not necessarily represent official OERI position or policy.

History Division

SUPPRESSION IN THE MUCKRAKING ERA: THE PENNSYLVANIA ANTI-CARTOON LAW OF 1903

By

Chris Lamb
School of Journalism and Mass Communication
University of Iowa

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY

Chris Lamb

TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

Presented to the History Division at the Association for Education in Journalism and Mass Communication Convention in San Antonio, Texas, August 1987

CS 210566

BEST COPY AVAILABLE

ABSTRACT

History Division

"SUPPRESSION IN THE MUCKRAKING ERA:
THE PENNSYLVANIA ANTI-CARTOON LAW OF 1903"

Chris Lamb
Department of Journalism
University of Iowa
Iowa City, Iowa 52242

In 1903 the Pennsylvania Legislature passed a bill that outlawed disrespectful or malicious cartoons. It was then signed into law by the governor, Samuel Pennypacker, who had encouraged the legislation in his inaugural address after being the target of an inexorable campaign of cartoons the year before by the artists of the Philadelphia North American. The Pennsylvania Libel Law, as it became known, is indicative of the lengths the target of a cartoon has gone to silence a cartoonist.

It is significant to this study that the legislation was passed during the muckraking era in American journalism, which coincided with an unprecedented rise in the number of cartoonists. This paper will examine the North American's criticism of Samuel Pennypacker and his political backer, Matthew Quay, which effected the legislation, and why the legislation was even seriously considered when the state constitution already provided protection against libel. Finally, it is significant to note that the libel law did not silence criticism, as Pennypacker intended, but it produced the opposite effect. Throughout the country newspapers vehemently attacked the governor and the law. The New York Sun said: "No law more infamous . . . has ever been enacted by any American Legislature."

Presented to the History Division at the Association for Education in Journalism and Mass Communication Convention in San Antonio, Texas, August 1987

Suppression in the Muckraking Era:

The Pennsylvania Anti-Cartoon Law of 1903

Whereas comic strip artists generally draw on the sunnier side of life, political cartoonists are critics. Author Charles Press wrote that the political cartoonist "must inspire hate and envy by showing that leaders are moral degenerates who are undeserving of what they receive from the system; that they, too, recognize that they have gotten their benefits by unjust and corrupt means."1

"We are at our best when we are attacking the status quo," said Charlotte Observer cartoonist Doug Marlette.2 Adds Los Angeles Times cartoonist, Paul Conrad, a three-time Pulitzer Prize winner, "Political cartoons are ridicule and satire by definition. A negative attitude is the nature of our art."3 Cartoonist Ranan Lurie has called political cartoons the most extreme expression of criticism that society will tolerate.4

"A good caricature," said a nineteenth-century cartoonist, "is only fully appreciated by those who have been its victims."5 Chicago Tribune editor James Squires says that while he often has to face the fallout

caused by one of his cartoonist's drawings, he says the political cartoon is a voice we cannot afford to lose.

> Newspaper cartoonists represent the most incisive and effective form of commentary known to man, and one as vital to the exercise of free speech and open debate as any words that ever appeared on such pages. To censor them would be a definite disservice to art, and probably to democracy.6

Richard Samuel West, editor of Target: The Political Cartoon Quarterly, wrote that the powerful have long tried to subvert the cartoonist through legal and illegal means.7 For instance, worried that Harper's Weekly cartoonist Thomas Nast's unrelenting criticism would weaken his political machine, the infamous New York City political boss William Tweed sent a go-between to offer Nast $500,000 to take some time off and go abroad during the 1872 election campaign.8 Nast refused, continued his campaign against Tweed and is generally given credit for breaking up the corrupt Tweed ring.9

In 1916, Tammany Boss Charles Murphy threatened to sue cartoonist W.G. Rogers for libel if the cartoonist continued to draw him in prison stripes. Rogers responded by drawing Murphy walking down the street carrying a briefcase, labeled, "libel suit case," and saying, "Last year's stripes will no longer be worn." He included several street gawkers wearing prison stripes across their everyday clothes.10 During World War I the U.S. government used the Espionage Act to halt the mailing privileges of the Socialist magazine The Masses, which included what Press called "the war's most severe cartoon critics."11 Three of its artists were later indicted for conspiring to obstruct enlistment but the government dropped the case after two hung juries.12

FBI Director J. Edgar Hoover ordered cryptanalysts to check Walt Kelly's "Pogo" strip to see if its humor included coded Communist messages.13 And more recently, "Doonesbury" cartoonist Garry Trudeau has been the subject of a littany of attempts to deter him.14 While offended targets of cartoons have periodically sought recourse by bringing a libel suit against the cartoonist, never in American history has a political cartoonist lost a libel suit.15

In 1903, the state of Pennsylvania mounted what West called "the greatest challenge ever to the professional freedom of political cartoonists."16 The state Legislature passed a bill that outlawed disrespectful or malicious cartoons and any violators risked being imprisoned for up to two years and being fined up to $1,000. 17

Press cited this legislation as an example of the lengths a politician has gone to suppress a cartoonist.18 -- As did Hess and Kaplan in their 1973 book, The Ungentlemanly Art.19 In an article published during the 1980 Presidential Election, Newsweek magazine also referred to the law as a way that politicians have tried to suppress political cartoonists.20

The Pennsylvania Libel Law, as it became known, came as a direct result of a inexorable campaign of vitriolic cartoons by Charles Nelan and, to a lesser degree, Walt McDougall, of the Philadelphia North American, against gubernatorial candidate Samuel Pennypacker and his political backer, U.S. Senator Matthew Quay.

It is significant to this paper that the libel law was passed during the turn of the century when the sting of the cartoonists' pen was felt to a more widespread degree than it had previously in the daily press. Press, Smith, Dennis and Dennis and Sorel have called this "the

golden age of the political cartoonist."21 It coincided with the muckraking era, which has been portrayed by Stein, Filler, Bannister, Grenier, Mott and Chalmers and others as a period of journalistic exposure of corruption in American business, society and politics.22 Schultz wrote that the presumption of man as a moral agent led to the muckrakers' remedies for the ills of society.23 Governor Pennypacker, who initiated and then signed the libel law, called it "an attempt to remedy the ills of the sensational press."24

This paper will examine the North American's criticism of Pennypacker and Quay, which led to the legislation, and why the legislation was even seriously considered when the Pennsylvania Constitution, common law and the First Amendment already provided protection against libel. It is also significant to note that the libel law did not silence criticism as Pennypacker had hoped; instead, it produced the opposite effect. Throughout the country newspapers vehemently attacked the governor and the law. The New York Sun said: "No law more infamous ... has ever been enacted by any American Legislature."25

In writing this paper, it was important to try to understand why Pennypacker felt an anti-cartoon law was necessary. How personal and defamatory were the attacks that the Philadelphia North American cartoonists made against him? The North American was analyzed from May 1902 -- when the first cartoon appeared calling Pennypacker a tool of the Quay political machine -- until May 1903 -- when the bill was signed into law. Particular attention was paid to the cartoons that were published over that year's period. Speeches by Pennypacker that referred to the measure were also studied -- as was the bill as it was written,

amended and finally approved by the Pennsylvania Legislature. Because of the law's serious, if not bizarre, nature, it generated quite a bit of interest from newspapers and magazines in and out of the state. It was then necessary to see how the law's passage was covered in the press.

A Boom Time For Cartoonists

Until the 1870s the technology did not exist for newspapers to publish cartoons larger than one column.26 Then even with the necessary technology, newspaper editors were slow in hiring cartoonists. However, a cartoon by Walt McDougall of the New York World changed that, according to Press, Emery, Sloan and Hess and Kaplan.27 A few days before the 1884 Presidential Election, Joseph Pulitzer published the McDougall cartoon, "The Royal Feast of Belshazzar Blaine and the Money Kings," eight columns across the front page of the World and Democrats reproduced it all over New York State. Because of the closeness of the voting, Hess and Kaplan said it was not uncommon to hear that the cartoon was responsible for elevating Grover Cleveland to the presidency.28

What the cartoon did, wrote Press, was to make every self-respecting newspaper editor think about getting his own political cartoonist; in the quarter-century that followed, the number of political cartoonists in the United States increased to 500. 29 West wrote that as the cartoonist plague spread across America several states took steps to stop it.30

In New York City, political boss Thomas Platt tried to deter New York World cartoonist Homer Davenport. When Platt had an anti-cartoon bill presented to the New York Legislature in 1897, Davenport drew a

cartoon called, "No Honest Man Fear Cartoons," in which he compared Boss Platt to his predecessor, Boss Tweed.31 Then after the bill was killed, Davenport drew another cartoon called, "There Are Some Who Laugh And Others Who Weep," in which he pictured himself laughing while Platt and Tweed wept.32

Between 1897 and 1915, wrote Hess and Kaplan, state legislatures in New York, Indiana, Alabama, California and Pennsylvania considered anti-cartoon bills. In Pennsylvania and California they were passed into law.33 Having been mercilessly caricatured in San Francisco newspapers, the California Legislature retailated in 1899 with an anti-cartoon law that forbade publication of portraits without the consent of the subject and required criticism of living or dead persons to be signed, wrote Hess and Kaplan.34 Mott said the law was first laughed at and then disregarded.35

Pennypacker, Quay and the North American

The Pennsylvania law had its origins in a political feud between Samuel Quay and John Wanamaker, whose son, Thomas, was publisher of the North American.36 John Wanamaker was a prominent Pennsylvania Republican, who had once served as the U.S. postmaster general.37 Though Quay and he belonged to the same party, they were bitter enemies. In 1896, according to writer Rudolph Blankenburg of the muckraking journal The Arena, Wanamaker considered running for the U.S. Senate and was reportedly told by the Quay machine the position could be his if he could come up with $200,000. Wanamaker turned down the offer, fought the machine and lost.38

In 1898, Wanamaker ran for governor and again unsuccessfully fought the machine, which, according to Blankenburg, controlled state politics with the most effective instrument of liberty-destroying power in American politics of its time.39 Blankenburg said the machine used inexhaustible campaign funds, bribery, ballot stuffing, wholesale purchasing of votes and false election returns.40

Quay's hand-picked gubernatorial candidate would get the party's nomination and the nod went to Pennypacker -- his cousin -- a widely respected Philadelphia jurist from a family with one of the richest ancestries in Philadelphia.41 As a judge, wrote Clinton Rogers Woodruff, Pennypacker had been accustomed to speaking his mind freely and directly without equivocation, subterfuge or indirection. His lack of experience on the campaign trial and his sensitivity to criticism would turn on him.42

Thomas Wanamaker had bought the North American in 1899 and began hiring New York City newspaper artists and writers, including Charles Nelan from the Herald and McDougall from the World.43 McDougall was already well-known for his cartoon, "The Royal Feast of Belshazzar Blaine and the Money Kings." A book of Spanish-American cartoons by Nelan had been published the year before. His introduction became ironic in light of his savage criticism of Pennypacker in 1902 and 1903: "I do not believe in the bitter, stinging cartoon," he wrote, "It's always better to produce a laugh with your argument; people seem to digest it better."44

The Campaign

The North American's campaign against Pennypacker began in May 1902 when it appeared Pennypacker would get the nomination with the blessing of Quay -- his cousin. That Pennypacker and Quay were cousins would be something North American readers would be reminded of repeatedly. In Nelan's cartoons, Pennypacker and Quay would regularly address each other as "Cousin Matt" and "Cousin Sam." Another issue that Nelan would frequently draw from included alleged Quay machine crimes. The cartoonist also frequently charged that Pennypacker was a parrot of the machine. In the North American, Pennypacker would usually appear as a parrot and Quay often as an owl. Nelan also found an effective way of criticizing Pennypacker was merely to caricature the judge's own words. This he also did repeatedly.

Nelan's attacks against Pennypacker and Quay came almost daily, and as the gubernatorial campaign progressed he got the top five columns of the eight-column front page more and more regularly. West said his cartoons usually contained references to three, four, or five issues, which enhanced the cartoon's power and depth without being confusing.45

In his May 14 cartoon Nelan made it clear that he thought Pennypacker was a Quay creation by drawing the senator in a gubernatorial studio. A sign nearby had the words: "Not on view until June 11th."46 June 11 was the date of the Republican primary. That cartoon was followed by another called, "Some Well-Known Books Samuel Should Read," in which Pennypacker was seated in a chair reading a book titled, "Quay: The Great and Good." On a nearby bookshelf were other book titles: "Legislative Bribery," "The Great Trolley Grab," "Senatorial Speculating," "A History of Ripping," and "Who Shook the

Plum Tree?" -- all references to reported crimes and misdeeds committed by the Quay machine.47 Shaking the plum tree referred to political patronage, a charge against the Quay machine Nelan used frequently.

On the Sunday before the primary, Nelan drew Quay leading a blind Pennypacker to the governorship, saying, "Trust me, Cousin Sam."48 The next day, Nelan drew Quay and Pennypacker using what was called "ancestral paste" to put up a circus-type placard that said, "Matt Quay's 'One-Hoss Show' -- The management has repudiated friends, broken promises, boodled without limits, in order to present to the people of Pennsylvania 'My Cousin Sam,' who is positively the only man in America -- who sees nothing wrong with the crimes of Quayism."49

With the Quay machine behind him, Pennypacker won the party's nomination. The next day McDougall, who was the paper's comic artist, introduced the Quay owl, who was making a home for itself in the Pennypacker ancestral boot.50 In Nelan's first post-election cartoon, Pennypacker was drawn wearing the nomination crown that reeked of bribery with Quay saying: "Cousin Sam has no sense of smell."51

On June 14, Nelan began a series of cartoons called, "Getting Ready for the Road," in which Quay was shown preparing Pennypacker for the campaign trial. Quay was always portrayed as ringmaster of "Matt Quay's One-Hoss Show," and Pennypacker was always his performer-in-training. Each cartoon featured a different caption corresponding to a different circus act. In the series finale, Nelan drew Pennypacker in his undershorts, or "last piece of self-owned clothing," having already discarded his "Pedigree Pants," "Ancestral Hat," "Judicial Honor Top Coat," and "Illustrious Family Coat."52 Between June 14 and July 4, Nelan drew 16 cartoons -- 11 of which were published on the front page.

As the campaign progressed, Pennypacker appeared more and more like the tool the North American portrayed him to be. He answered the charges against Quay by saying his cousin "was a greater statesman than Clay or Webster."53 This quote would be remembered when writers would later refer to Pennypacker. In a 1904 article, Blankenburg wrote:

> It is to be hoped that upon calm reflection the Governor will modify his estimates of Senator Quay and thus prevent the bones of Clay and Webster from rattling in their graves, in indignant protest. The only defensible comparison between Clay, the statesman from Kentucky, and Quay, the Pennsylvania politician, is the fact that both were sons of clergymen.54

On August 4 Nelan first drew Pennypacker as a parrot.55 And in the months that followed, the parrot would repeat Pennypacker's Webster and Clay reference -- or some variation of it, as it observed Quay machines crimes in action.

When Pennypacker hit the campaign trial in mid-September he answered the charge that Quay broke promises by saying, "The only way to judge of parties and often of men is by their fruits, and not by their promises."56 In a cartoon the next day called, "A Man And His Fruit," Nelan drew Quay shaking a plum tree full of fruit, which were labeled, "Machine Crimes," "Broken Promises," Bribery of Legislators," "Ballot Debauchery," "Purchased Senatorship," "Treasury Looting," and "Protection to Criminals." The Pennypacker parrot perched nearby said, "My cousin Matt is a greater plum tree shaker than either Clay or Webster. (See Figure 1)

In the speech defending Quay, Pennypacker lashed out at what he called "the sensational press":

> One of the most dangerous tendencies of modern American life, apparently becoming every day more prevalent, is the disposition to wantonly and recklessly speak ill of those who are charged with the performance of public duties . . . .It is the kind of slander which is closely akin to treason and leads directly on the road to anarchy and the overthrow of cherished institutions.57

The day after his "A Man and His Fruit" cartoon, Nelan drew Quay sitting on a throne surrounded by bags of stolen money, as Pennypacker knelt before him. Accompanying the drawing was an excerpt from Pennypacker's speech. (See Figure 2)

On September 25, Pennypacker called the North American "a worthless advertising sheet, miscalled a newspaper, which hires needy young artists to pervert their art."58 The North American responded with a cartoon by Nelan, called "A Calm Judicial Opinion," in which the Pennypacker parrot was inspecting a copy of the North American and saying, "Worse than Worthless! Worse than Worthless!" (See Figure 3) And on its editorial page, the newspaper said:

> You charge that the North American political writers and cartoonists are hired to prostitute their talents. It is true that there is a monetary consideration . . . . but there is not one of them, so intellectually wonted that he would write "Quay is a greater man than either Webster or Clay"; not one of them with moral sense so perverted that he would condone the shameful record of the men you admire . . . Your surprising descent to personal vituperation was so needless, so gross and so unfounded it shocks me to learn that the kindliness and urbanity of the gentleman conceals the rankest bitterness of spirit, proving that good breeding does not inevitable result from illustrious ancestry.59

Pennypacker didn't directly attack the North American again during the campaign but he continued to defend Quay repeatedly. When questioned about allegations that the Quay machine had committed election fraud,

the former judge responded by saying, "During my thirteen years on the bench I never have seen any evidence of ballot-box stuffing."60 Nelan then drew Pennypacker with his nose in a book on his ancestry, saying, "During my thirteen years on the bench I never have any seen evidence of ballot box stuffing," while Quay cronies stuffed armloads of ballots into a ballot box. (See Figure 4)

When the North American learned that Quay was trying to get Pennypacker to temper his remarks, Nelan drew Quay yelling, "Shut Up! Shut Up! Shut Up!" while clubbing the Pennypacker parrot, which was saying, "Well, your gang don't commit ballot box fraud! And you are greater than Clay or Webster!" (See Figure 5)

Nelan and the North American didn't let up through October. On November 4, Pennypacker was elected by a vote of 593,328 to 450,978, over Robert Pattison, who was seeking his third term.61 No governor could succeed himself in Pennsylvania at the time.

Pennypacker Calls For Legislation To Muzzle Press

In his inaugural address on January 20, Pennypacker called for legislation curbing the press:

> Sensational journals have arisen all over the land, the owners in concealment and the writers and purveyors undesignated, and they have thriven by propagating crime and disseminating falsehood and scandal, by promulgating dissension and anarchy, by attacks upon individuals and by assaults upon government and the agencies of the people. They are a terror to the household, a detriment to the public service and an impediment to the courts of justice. It would be helpful and profitable to reputable journalism if they would be suppressed .... Our Constitution imposes responsibility for the abuse of the liberty of the press, and I suggest for the consideration of the Legislature whether or not it would be well to extend to such cases the law of negligence as developed by the decisions of our courts, so that there should be liability in damages.

> for the physical and mental suffering caused by publications made without "reasonable care."62

The words were directed at the North American, which Woodruff called without question the governor's most persistent critic.63 The newspaper's criticism had also come "in concealment": The North American did not print the names of its owners or editors on its masthead.

The governor's call did not go unnoticed. On January 27, State Representative Frederick Pusey introduced a bill that made it a crime:

> for any person ... to print or publish ... any cartoon or caricature or picture portraying, describing, or representing any person, either by distortion, innuendo or otherwise, in the form or likeness of beast, bird, fish, insect, or other unhuman animal, thereby tending to expose such person to public hatred, contempt, or ridicule.64

Any person violating the law could be fined up to $1,000 and imprisoned for up to two years.65 The North American reported that a proposed amendment to the press muzzler would exclude ancestral boots from publication. The newspaper added that Quay and Pennypacker "ought to be capable of taking care of themselves without the necessity of making the statute books ridiculous."66

Nelan drew Pusey's face on the body of a pussey cat. (See Figure 6) The next day when Pusey arose to announce that the judiciary committee had authorized him to return with an affirmative recommendation, the North American reported, he was greeted by an ovation of "Meow! Meow!" from the House floor.67

In an editorial, the North American referred sarcastically to the bill as a humane measure to "protect birds, fishes and other unhuman

animals from the pen of the consciousless cartoonist."68 And Nelan drew Pusey as a cat purring up to an admiring Pennypacker parrot.69

In a cartoon that ran all eight columns across the top of the front page on January 30, McDougall obeyed the literal intent of the bill and didn't draw anyone "as a bird, fish, insect or any other unhuman animal." He did, however, draw Quay as a dying oak, Pennypacker as a frothy stein of beer and Pusey as a small potato. (See Figure 7) The cartoon was accompanied by an article by McDougall, who said he submitted the drawings to show how easily the Pusey bill could be bypassed.

> He (Pusey) should have included more than the animal kingdom alone, for we have an ample field in the vegetable if not even the mineral field ... Every cartoonist has a Noah's Ark full of worn, broken and decrepit animals, bugs and such, but the fresh vegetable field is untouched. What chances of caricature lie in the tomato, the string bean, the cucumber, the onion and the leck cannot be guessed.70

In his autobiography, McDougall said that after that cartoon Pennypacker would never return his respectful salute when they would pass each other on the street.71 The North American was not the only newspaper having fun with the issue. The following editorial appeared in the Westminster (Pennsylvania) Gazette on February 17:

> Newspaper artists are regarding with interest, amused rather than apprehension, the introduction into the Pennsylvania Legislature of a bill making it unlawful to print a picture representing "any person in the form or likeness of beast, bird, insect or other unhuman animal." The limitation is particularly troublesome for the governor of the state is commonly represented as a parrot and its senior senator as an owl. It is indeed already suggested that the senior senator looks much more like a dahlia as an owl. The bill is not yet passed, and the caricaturists are making the best of the time at the expense of its proposer Mr. Pusey.72

The bill didn't get any further attention until April 7 when it was loosely appended to a bill, introduced by Representative William Salus, requiring all newspapers to publish in every issue the names of their proprietors and managing editors.73 On motion, Pusey's anti-cartoon bill was recommended to the House judiciary committee for amendment.74

Representative Thomas Cooper, a newspaper editor, responded by issuing a statement to editors and publishers of Pennsylvania saying both of the bill's measures were "assaults upon the liberty of the press."75 Pittsburgh newspaper publishers sent a telegram to the Legislature saying the Salus bill would "prevent intelligent and honest discussion and criticism and would forbid in many cases the publication of important news, and is an unwarranted and unjustifiable attack upon a free press."76

On the Senate floor, the Pusey lanaguage was amended to the Salus bill on a motion by Senator John Grady:

> Whenever is any action it shall be shown that the matter complained of is libelous, and that such libelous matter has been given special prominence by the use of pictures, cartoons, headlines, displayed type or in any other manner calculated to specially attract attention, the jury shall have the rights to award punitive damages against the defendant or defendants.77

The North American reported on April 10 that the Salus-Grady "press muzzler," as it referred to the bill, had been railroaded through the Senate and now needed only the approval of the House. Only three days had passed since it was introduced and yet it could go to the governor the following day. Every resource of the bill's backers, wrote the North American, "could not make this astonishing thing a law if public

sentiment were to be given time to crystallize."78 A motion by Representative Cooper to postponse the measure was rejected 105-65. 79

During debate, Cooper, the bill's primary opponent, called the action "the greatest and most direct blow ever made at the newspapers . . . Should it go upon the statute books, I will resent it as long as I live, and so, I'm sure, will every editor in the state."80 He said, "Let our behavior be such that the cartoonist must treat us kindly. If it be otherwise, the fault is not all with the newspapers or the cartoonists. Conscience makes cowards of us all. Let us not be so cowardly as to push away all criticism of our public acts."81 The bill was intended to punish the North American, he said, and asked why thousands of other newspapers had to pay for it.82

The North American reported that Boies Penrose, the state's junior senator, was behind the Quay machine's floor fight for passage of the measure. When asked if the Salus-Grady libel bill was aimed at the North American, Penrose answered, "Not entirely, but that paper is the most flagrant example of yellow journalism."83 He denied a rumor that friends of the bill were offering up to $500 per vote, predicted that the bill would pass easily and then be signed by the governor. "The claim that it is unconstitutional will not, in my opinion, be sustained by the Supreme Court," Penrose said. "I not only believe that the Judges on the higher bench will decide the measure to be constitutionally sound, but that they will welcome legislation of this character."84

Article I, Section 7, of the Pennsylvania Constitution includes the following:

> The printing press shall be free to every person who may undertake to examine the proceedings of the Legislature or any branch of government, and no law shall ever be made to

> restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. No conviction shall be had in any prosecution for the publication of papers relating to the official conduct of officers or men in public capacity, or to any other matter proper for public investigation or information.85

Outlook magazine said that the differences between this statute and common law were that the law makes it easier to ascertain the irresponsible parties suggests to the jury that pictures or cartoons published to attract question demand punitive damages and also widens somewhat the range of responsibility for libel.86 The next day the bill was passed in the House, 125-57. 87 When it got to Pennypacker's desk, the governor said there would be "no undue haste in disposing of the bill. I have thirty days in which to dispose of the measure, and I see no reason why I should take it up in advance of other legislation in my hands."88 The Nation magazine quoted the pro-Pennypacker Philadelphia Press as calling loudly for the governor to veto the bill but doubted he would.89

Pennypacker Signs The Press Muzzler

On May 1, the North American reported that the governor would sign the bill.90 The next day Nelan drew Pennypacker as a dwarf saying, "I will stop this most conspicuous of ills" and using a stick labeled "Salus-Grady Press Muzzler" to sabotage a printing press, which was supported by wooden planks labeled, "Constitutional Guarantee of Freedom of the Press." (See Figure 8)

Pennypacker signed the bill on May 12. 91 And the next day, the North American published his defense, which the governor termed an apology. In it, Pennypacker referred to Nelan's May 2 cartoon:

> An ugly little dwarf, representing the Governor of the Commonwealth, stands on a crude stool. The stool is subordinate to and placed alongside a huge printing press with wheels as large as those of an ox-team, and all are arranged as to give the idea that when the press starts the stool and its occupant will be thrown to the ground. Put into words, the cartoon asserts to the world that the press is above the law and greater in strength than the government. No self-respecting people will permit such an attitude to be long maintained. In England a century ago the offender would have been drawn and quartered and his head stuck upon a pole without the gates. In America today this is the kind of arrogance which "goeth before the fall."92

Next to the governor's defense, which the North American published in its entirety, there was a cartoon by Nelan that showed Pennypacker as a dwarf being thrown from his stool by the starting of the printing press. On top of the press hung a sign that said, "A Free Press That Will Remain Free." (See Figure 9)

As had been the case during the gubernatorial campaign, Nelan threw Pennypacker's words back at him. In his defense of the law, the governor had said, "Bishops, too, hurry into print without investigation and with only such information as comes from muddy sources, to express their disregard for those whom the people have entrusted with authority."93 The North American asked, "Which Bishops Are to Be Muzzled?"94 And Nelan supplied an accompanying cartoon of the governor scolding a bishop. (See Figure 10)

Pennypacker also referred to Nelan personally in his defense:

> Some outcast is hired to pervert a name from Pusey to "pussey" and to draw contorted cats which are scattered broadcast over

> the land in the hope that the vile and vulgar will snicker at his wife and children when they pass. Could the most just and kindly of judges, could any friend of the press meaning to be fair say that should bring suit against the newspaper which committed this outrage and indecency, he ought not to be permitted to recover what a jury shall regard as compensation.95

Having been called "an outcast," Nelan threatened to sue the governor for libel if he didn't apologize.96 The North American reprinted an editorial from the New York Sun, which expressed the irony that the governor might be the first victim of the new libel law.97 Pennypacker answered Nelan by saying he was not aware of having made any reference to him.98 Nelan was concilatory, saying, "I do not think your disavowal would stand in law but I am bound in courtesy to accept it as truthful and candid."99

The North American made the most of the controversy. The newspaper turned over most of its first page and all of its back page to the issue every day for the next week. It claimed the controversy was good for business. Nelan drew a cartoon in which Quay and the Pennypacker parrot were pictured in front of a sign outside the North American that said, "No North Americans On Hand. Entire Edition Sold Out Again." And Quay was scolding the parrot, which was wearing a dunce hat, saying, "And you call yourself a press muzzler, do you, Penny?" (See Figure 11)

Pennypacker said he thought the "bill would be cordially and cheerfully accepted by the press."100 When the opposite occured and newspapers throughout the state criticized the law, Nelan again caricatured the governor's words. (See Figure 12)

Pennypacker reacted to the criticism by saying, the press "might as well recognize that when a matter has been decided lawfully it is

useless to complain," adding that, "I deny that public sentiment is against the new press law."101 Nelan brought back old and tried techniques and drew Pennypacker as a dawrf dressed in judicial garments standing on a stool labeled, "Public Ridicule." Large, accusing fingers with the names of several different states were pointed at him. At the bottom of the cartoon were Pennypacker's own words: "I deny that public sentiment is against me on the new press law." (See Figure 13). Another Nelan cartoon showed the Pennypacker parrot being blowed up by a stick of dynamite labeled, "Public Opinion." (See Figure 14)

Criticism went far beyond Pennsylvania statelines. From May 16 through May 23, the North American filled its back page with editorials and cartoons from other newspapers. Excerpts from more than 100 editorials protesting the law were published, including the New York Evening Post, which asked what can you do about the governor but laugh?:

> It is late in the day for public men in this country to imagine that they may or should enjoy immunity from criticism. ... If they are so thin-skinned, their remedy is private life. Judge Pennypacker might have continued on the bench, rapping young attorneys over the knuckles and threatening fines of contempt of court, but once in office as governor of Pennsylvania, his privilege ceased.102

The New York Times said, "The most reactionary measure that has passed any American legislature in recent years is defended by the most reactionary argument that any governor has had the insolence to employ.103 The Cincinnati Commercial-Tribune said compared with the Pennsylvania libel law "the alien and sedition laws were mild and amiable."104 The Chicago Record-Herald said Pennypacker "had insulted the intelligent citizenship of the state, has disappointed those who

were led to believe him a high-minded executive, and has shown himself to be a mere puppet of Quay.105 The New York Sun responded:

> Under this new statute, the truth is immaterial; the publication of the truth if it be injurious, however debased or corrupt the individual attacked may be, will be enough to justify heavy damages. No more unconstitutional or outrageous measure could have been devised, and it doesn't bring to general contempt the executive who sanctions it Pennsylvania has lost her pride of birth.106

Not all the criticism came from newspapers. Outlook magazine also questioned the law's constutionality.107 The Nation magazine said that Pennypacker's "approval of the bill constituted one more attempt on his part to shield, by his abilities and reputation, men who are known to be the worst of public plunders."108

But not everyone sympathized on the side of the press. During a meeting of the Pennsylvania Bar Association a few weeks after the legislation became law, the association called it "unnecesary." But it also had harsh words for the "sensational" journals:

> If the present agitation will result in the purification of that journalism which is injurious to the peace and dignity of our Commonwealth, and to the happiness and prosperity of its citizens, the Libel Law of 1903 will have accomplished a lasting benefit, not only to the public at large but as well to decent journalism itself.109

Conclusion

In an article published in the Yale Review in 1905, Woodruff wrote, "one could not but help admire the courage involved in the governor's single-handed fight against the excesses and abuses of modern journalism, although one may question the wisdom and policy of such a course.110 But so far as effecting the purpose it had in mind, Woodruff

wrote, the law seemed to have had very little purpose other than to give Pennypacker a wide, if ineviable reputation.111

On June 4, in the last cartoon of his series that followed the signing of the libel law, Nelan drew, "A Self-Plucked Bird," suggesting the governor had brought on his problems himself. In the cartoon, the Pennypacker parrot was perched on a judge's chair with only one feather, labeled "Ancestry" left, having already shed the feathers of "Common Sense," "Judicial Temperament," "Learning," and "Legal Reputation." (See Figure 15)

McDougall later wrote that "the law died due to public ridicule."112 On December 7, 1904, when Nelan died of tuberculosis, he was remembered as the cartoonist who provoked and then openly defied the anti-cartoon bill. West wrote, "No greater tribute could have been paid him."113

In his biennial address in 1905, Pennypacker called for further repressive measures. But Quay had died the year before and the governor's words fell on deaf ears when it got to the state Legislature.114 In 1907, shortly after the inauguration of a new governor, the libel law was repealed.115

In a speech later that year, Pennypacker defended the libel law and called himself "the best friend of the press."116 Two years later, he wrote in The North American Review:

> The rude, vulgar and often malicious pictures put forth in the guise of wit and caricature are destroying the artistic sense, if not the kindly instincts, of a whole generation of young people, who are growing to maturity looking upon them as one of the ordinary instincts of life ... The sensational journals has succeeded in almost destroying the old-time confidence of the people in, and the respect for, those vested with authority.117

For whatever he accomplished as governor, Woodruff wrote, Pennypacker would be remembered "as the excutive who sought to muzzle the press."118 And he is worth remebbering for that -- as is the Pennsylvania libel law of 1903, or any challenge to the free expression of the press. The case of Governor Pennypacker and the libel law is significant because it chronicles the lengths politicians have gone to suppress cartoonists, to the degree of bypassing First Amendment protection. Because any law that is passed, no matter how silly it may be, can be enforced, the Pennsylvania law was a challenge to the freedom of cartoonists. Had this challenge not been met widely and loudly by the press, it may well have been accomplished the intent its backers sought.

Pennypacker's sensitivity to criticism and his naivite of politics and Quayism inevitably turned on him. The libel law needed -- and got -- both the stamp of the corrupt Quay machine and the signature of Pennypacker. It is ironic that the measure did not silence criticism as the governor had hoped but produced the opposite effect. He initiated the legislation to remedy the abuses of the muckraking press. A distinguished judge, Pennypacker was widely knowledgeable not just of the law but history. He was a member of the Pennsylvania Historical Society for nearly a half-century and served as its president for 16 years, four of which while he was governor.119 This brings another paradox to light, as noted by Woodruff, "It is curious that so sound a student of history as he failed to read the lesson of history. The remedy for the abuses of the freedom of speech and of utterance is not suppression, but a greater freedom and tolerance."120

THE MAN AND THE FRUIT
MY COUSIN MATT IS A GREATER PLUM TREE SHAKER THAN EITHER CLAY OR WEBSTER
PLUM TREE
BRIBERY OF LEGISLATORS
TREASURY LOOTING
PROTECTION TO CRIMINALS
BALLOT DEBAUCHERY
PURCHASED SENATORSHIP
THE FRUIT
C. Nelan.
"The only way to judge of men is by their fruits, and not by their promises alone."—Judge Pennypacker's speech at Centre Hall.

Figure 1. "The Man and his Fruit." When Samuel Pennypacker defended the Quay machine by saying, "The only way to judge of men is by their fruits, and not by their promises alone," Nelan drew Quay shaking a plum tree full of fruit labeled, "Machine Crimes," "Broken Promises," "Bribery of Legislators," "Ballot Debauchery," "Purchased Senatorship," "Treasury Looting," and "Protection to Criminals." And perched nearby, the Pennypacker parrot was saying, "My Cousin Matt is a better plum tree shaker than either Clay or Webster."

Nelan, Charles, Philadelphia North American, September 18, 1902, p. 16.

COUSIN SAM'S IDEA OF GOOD CITIZENSHIP
LOOT.
LOOT
LOOT
LOOT

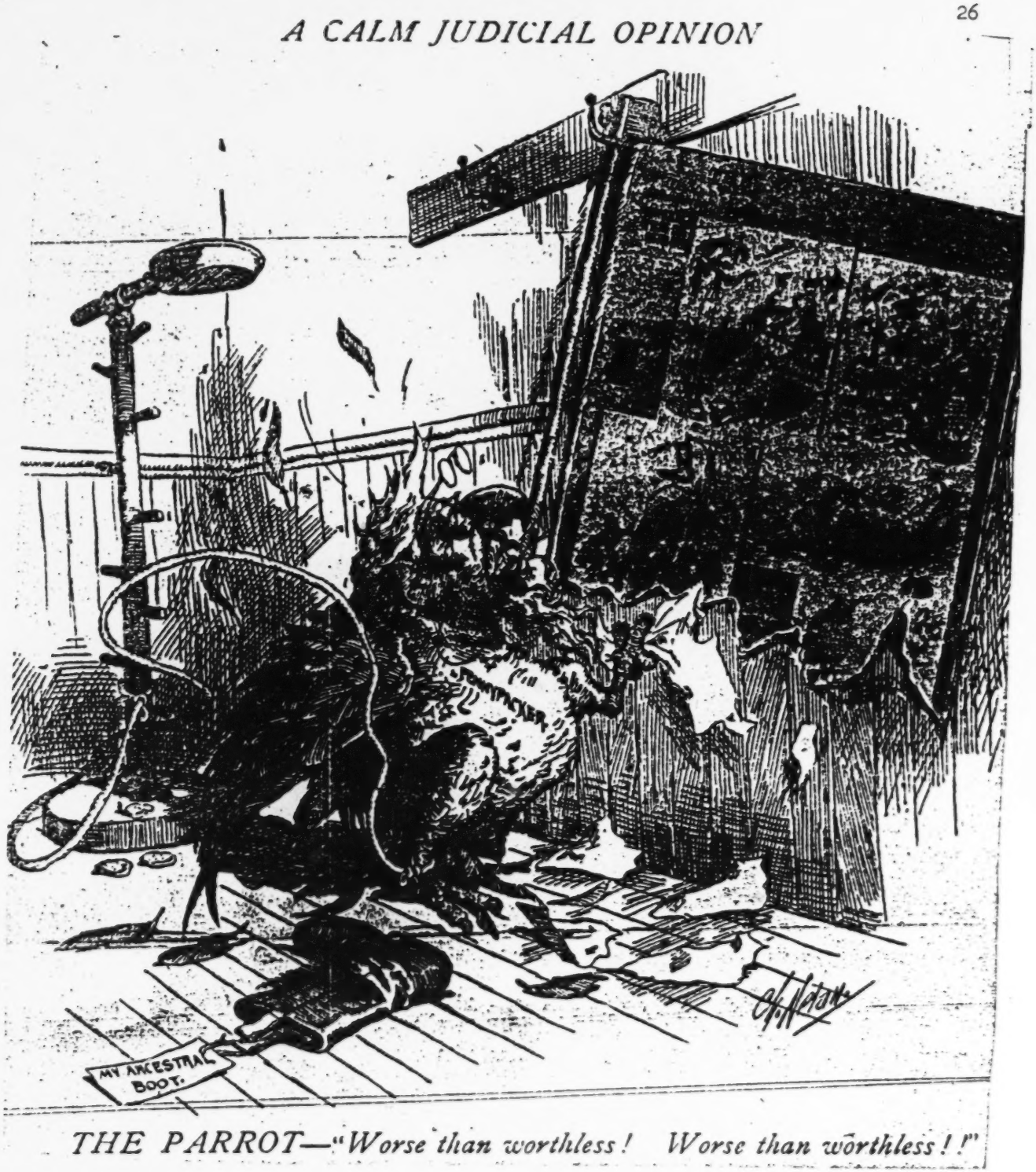


Figure 3. "A Calm Judicial Opinion." When Pennypacker, a former judge, referred to the North American as "a worthless advertising sheet, miscast a newspaper," Nelan drew the Pennypacker parrot in a calm judicial opinion ripping up a North American and saying, "Worse than worthless! Worse than worthless!"

Nelan, Charles, Philadelphia North American, September 26, 1902, p. 1.

LOOKING BACKWARD FROM 1851
STUFFED BALLOT BOX
Ch. Nelan.
"During my thirteen years on the bench I never have seen any evidences of ballot-box stuffing."—Ex-Judge Pennypacker in his speech at Butler.

Figure 4. "During My Thirteen Years on the Bench . . ." Pennypacker's words became the subject of yet another Nelan cartoon when Pennypacker dismissed charges that the Quay machine had committed election fraud. Pennypacker was drawn with his nose in a book on his ancestry defending the Quay machine while Quay cronies stuffed ballot boxes.

Nelan, Charles, Philadelphia North American, September 30, 1902, p. 1.

WELL YOUR GANG WONT COMMIT BALLOT BOX FRAUD!! AND YOUR FRIENDS HAVE A RIGHT TO STEAL FRANCHISES. AND YOU ARE GREATER THAN CLAY OR WEBSTER!
SHUT UP! SHUT UP!! SHUT UP!!!

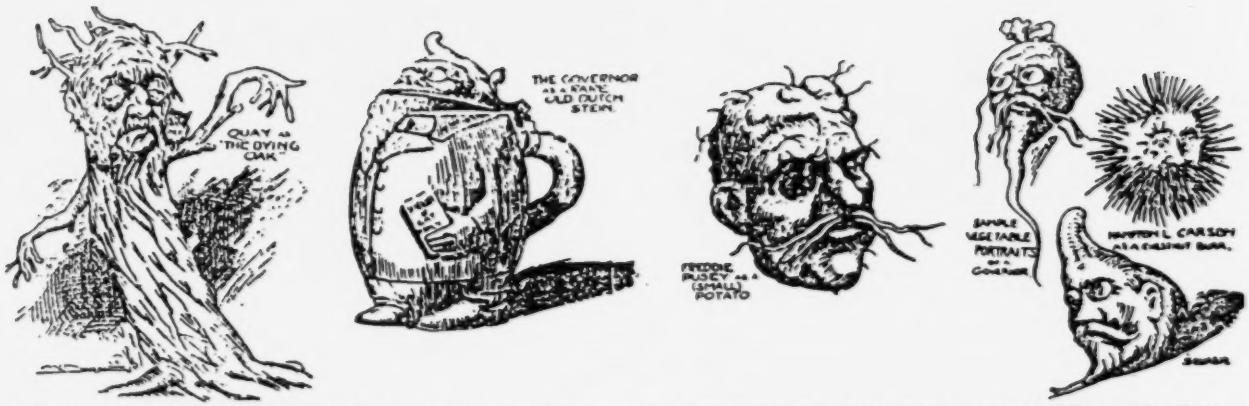
Figure 5. "Shut Up!! Shut Up!! Shut Up!!" Pennypacker's constant praise and defense of Quay was an embarrassment, reported the North American. When the newspaper said that Quay had asked Pennypacker to temper his campaign remarks, Nelan drew Quay clubbing the Pennypacker parrot and telling it to shut up. Undaunted, the parrot continued its praise and defense.

Nelan, Charles, Philadelphia North American, September 29, 1902, p. 1.

Pus(s)ey, who introduced the anti-cartoon bill

Figure 6. "Pus(s)ey, who introduced the anti-cartoon bill." The day after State Representative Frederick Pusey introduced his anti-cartoon bill, Nelan drew him as a pussey cat presenting the anti-cartoon bill.

Nelan, Charles, Philadelphia North American, January 28, 1903, p. 1.


QUAY as "THE DYING OAK."
THE GOVERNOR as a RARE OLD DUTCH STEIN
FREDDIE PUSEY as a (SMALL) POTATO
SAMPLE VEGETABLE PORTRAITS OF A COMMON
MATTHEW L. CARSON AS A CHESTNUT BUR.
SQUASH

McDOUGALL SHOWS PUSEY THE FATAL WEAKNESS OF HIS ANTI-CARTOON BILL AND HURLS DEFIANCE AT HIM

BECAUSE Assemblyman Pusey has introduced a bill in the Legislature, which aims to deprive the livelihood of a worthy, industrious and public-hearted class of workmen, I feel called upon to defy him and to show that his efforts, be his motive in them what they may originated, will avail him nothing. The bill forbids the use of "inhuman, animal forms in caricaturing human beings in this Commonwealth." So little appreciated are the literal accuracy of a caricaturist and so restricted the scope of his genius is supposed to be by the legislator with the Pennsylvania forehead and the walrus moustache area that he imagines he can check off the good artist by closing the avenue open to him. The cartoonist may be compelled to put forth his best efforts toward performing portraits with faces, brains, shoulders and hats upon which he has hitherto depended for a pure living, but he will never give up his profession at the behest of a rap legislator.

Small as are the monetary rewards of the cartoonist, pitiful as is the meager stipend handed out to him every week, he still has a vast pride in his Art, and others may consider that it is perhaps, apart from silk-thatching, the only profession requiring actual toil and the only one in which brains are absolutely unnecessary, it will be ready seen why the cartoonist clings to his job.

Mr. Pusey's threat does not cause us to quail. After the bill is passed even that timid quail will be prohibited. I suppose, but that is en passant, as they say in Atlantic City. No action has yet been taken by the Cartoonists' Union in opposing this bill, not because we are afraid to go to Harrisburg and face the Legislature, but because even if it passes we can still do business at the old stand in the same old way. I submit several drawings to show that the Pusey's bill is fatally weak. He should have included more than the animal kingdom alone, for we have an ample field in the vegetable if not even the mineral kingdom. An watered field, too, fuller perhaps of possibilities than the old biological branch.

Every cartoonist has a Noah's Ark full of wives, broken and decrepit animals, bugs and such, but the fresh vegetable field is untouched. What chances of caricature lie in the tomato, the string bean, the cucumber, the onion and the leek cannot be guessed. I have made a few studies showing the possibilities of the carrot, squash, potato and chestnut, just to show what a journeyman cartoonist can do when pushed to the wall. Mr. Scott can take warning by these.

He must understand, too, that there are other magazines, dashed off without much reflection or deep thought, and when the rest of the gang gets after the legislature Jolnu he'll be bombarded clean off the fence.

One sample is submitted also to show what can be done with purely inanimate objects. There are many such beside the old Dutch stein which I have used that will adapt themselves to the purpose, but they will suffice to show Mr. Pusey what we can and will do if his silly bill passes. I suppose, however, that when he reads this Assemblyman Kitty will add the word "vegetables" to the bill and try to squelch us in that manner. But I still have several other deadly weapons in reserve, and I defy him to do his very hottest.

WALT McDOUGALL

Figure 7. "McDougall Shows Pusey the Fatal Weakness of His Anti-Cartoon Bill And Hurls Defiance At Him." When Pusey introduced a bill making it a crime to draw any person as a "beast, bird, fish, insect, or other inhuman animal," Walt McDougall drew Quay as a dying oak, Pennypacker as a frothy stein of beer, and Pusey as a small potato.

McDougall, Walt, Philadelphia North American, January 30, 1903, p. 1.

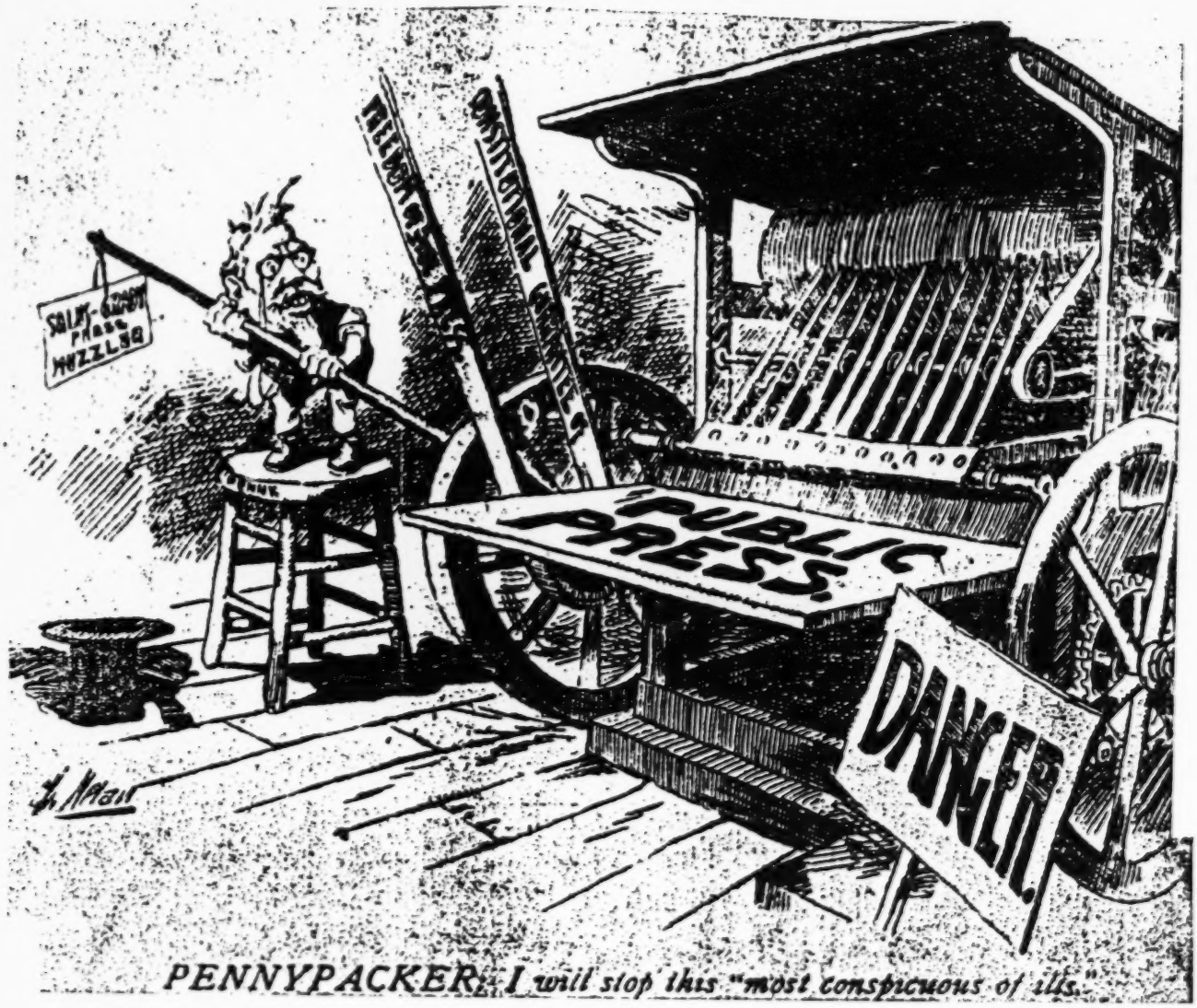


Figure 8. "Salus-Grady Press Muzzler." This cartoon would be used by Pennypacker in his defense of signing the libel law. Pennypacker is portrayed as "an ugly dwarf" trying to stop a printing press, which is labeled "Freedom of the Press" and "Constitutional Guarantee."

Nelan, Charles, Philadelphia, North American, May 2, 1903, p. 1.

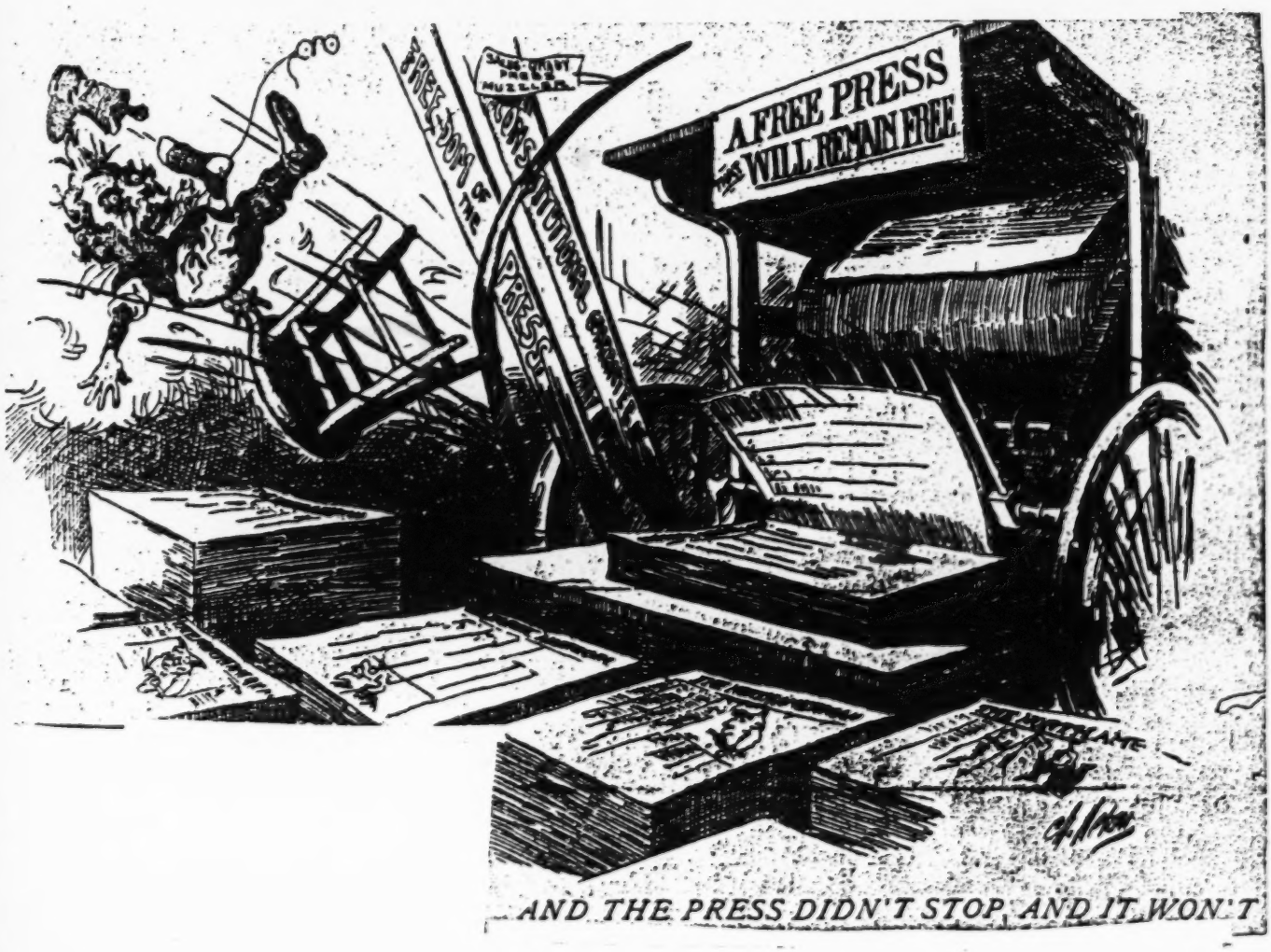


Figure 9. "And The Press Didn't Stop, and it Won't." When Pennypacker did sign the libel law, Nelan drew the printing press starting despite the governor's effort to stop it. Hanging at the top of the printing press is a sign with the words, "A free press that will remain free."

Nelan, Charles, Philadelphia North American, May 13, 1903, p. 1.

"Bishops, too, hurry into print without investigation, and with only such information as comes from muddy sources, to express their disregard for those whom the people have entrusted with authority.—FROM GOVERNOR PENNYPACKER'S APOLOGY FOR SIGNING THE PRESS MUZZLER.

Figure 10. "Bishops, too, hurry into print..." Pennypacker said that even bishops must be careful with the authority they have been given. The North American asked if the governor planned to muzzle them, too, and Nelan drew Pennypacker scolding a bishop.

Nelan, Charles, Philadelphia North American, May 16, 1903, p. 1.

Figure 11. "Cousin Matt: And You Call Yourself a Press Muzzler, Do You, Penny?" The North American claimed the controversy generated by the signing of the libel law had been good for the newspaper's business. In this cartoon, Quay and the Pennypacker parrot are in front of the North American building, a sign reports that the paper has sold out again. Quay is scolding the parrot, saying, "And you call yourself a press muzzler, do you, Penny?"

Nelan, Charles, Philadelphia, North American, May 17, 1903, p. 1.

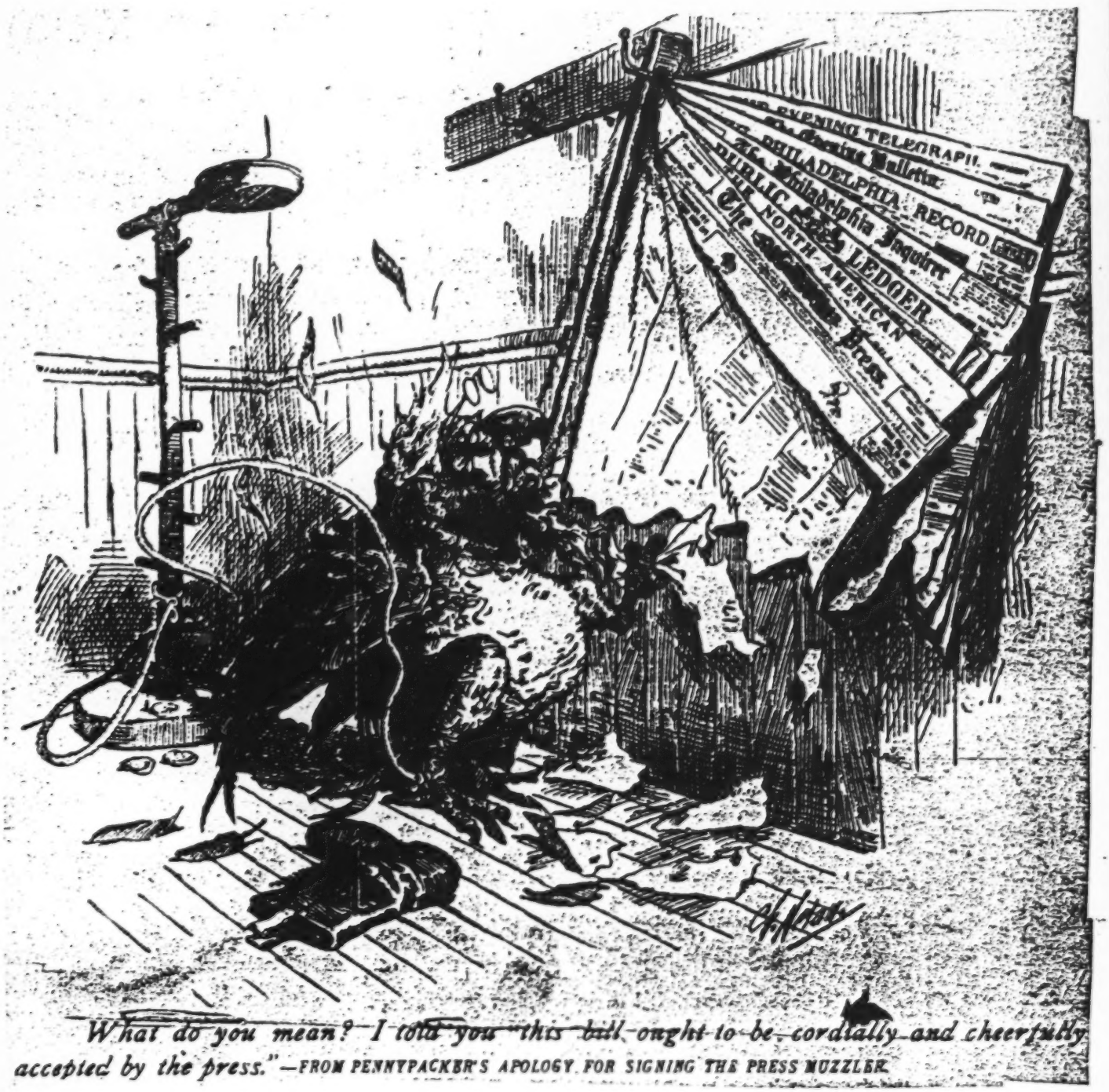

EVENING TELEGRAPH
PHILADELPHIA RECORD
Philadelphia Inquirer
PUBLIC LEDGER
NORTH AMERICAN
What do you mean? I told you "this bill ought to be cordially and cheerfully accepted by the press."—FROM PENNYPACKER'S APOLOGY FOR SIGNING THE PRESS MUZZLER.

Figure 12. "What Do You Mean? . . . " Pennypacker thought the responsible press would side with him on the libel law. When that didn't happen, Nelan drew the Pennypacker parrot ripping up state newspapers, saying "What do you mean? I told you 'this bill ought to be cordially and cheerfully accepted by the press.' "

Nelan, Charles, Philadelphia North American, May 14, 1903, p. 16.

Figure 13. "I Deny That Public Sentiment Is Against Me on the New Press Law." When Pennypacker denied that public sentiment was against him, Nelan drew a dwarf-like Pennypacker on a stool, as large, accusing fingers from different states pointed a scolding finger at him.

Nelan, Charles, Philadelphia North American, May 18, 1903, p. 1.

Figure 14. "Polly Got A Cracker." Here, Nelan showed the Pennypacker parrot being blown up by a stick of dynamite labeled, "Public Opinion."

Nelan, Charles, Philadelphia North American, May 16, 1903, p. 1.

Figure 15. "Only One Feather Left." In his last cartoon of the series that directly followed the signing of the libel law, Nelan suggested the governor had brought on his problems himself, drawing the parrot perched on a judge's chair with only one feather, labeled, "Ancestry," left, having already shed feathers called, "Common Sense," "Judicial Temperament," "Legal Reputation."

Nelan, Charles, Philadelphia North American, June 4, 1903, p. 1.

ENDNOTES

1 Charles Press, The Political Cartoon (Rutherford, N.J.: Farleigh Dickinson University Press, 1981), p. 113.

2 Syd Hoff, Editorial and Political Cartooning (New York: Stravon Educational Press, 1976), p. 280.

3 "The Finer Art of Politics," Newsweek, October 13, 1980, p. 83

4 Renan Lurie, Nixon-Rated Cartoons (New York: New York Times Co, 1973), p. 15.

5 Stephen Hess and Milton Kaplan, The Ungentlemanly Art: A History of American Political Cartoons (New York: Macmillan Publishing Co., 1975), p. 178.

6 James D. Squires, "Quick-Draw Artists: Cartoon Kings and Mere Pretenders," The Wall Street Journal, April 16, 1984, p. 32.

7 Richard Samuel West, "Cartoonists and the Law," Target The Political Cartoon Quarterly, Autumn, 1985, p. 17.

8 Albert Bigelow Paine, T.H. Nast, His Period and His Pictures (New York: Macmillan Co., 1904), p. 182.

9 Paine, p.182. See Morton Keller, The Art and Politics of Thomas Nast (London: Oxford University Press, 1968); and J. Chal Vinson, Thomas Nast Political Cartoonist (Athens, Georgia: University of Georgia Press, 1967).

10 Press, p. 189.

11 Press, p. 166.

12 Rebecca Zurier, Art for The Masses (1911-1917): A Radical Magazine and its Graphics (New Haven, Connecticut: Yale University Art Gallery, 1985), p. 45. See Richard Fitzgerald, Art and Politics: Cartoonists of The Masses and The Liberator (New York: Simon and Schuster, 1973); and Echoes of Revolt: The Masses, 1911-1917, edited by William O'Neill (Chicago: Quadrangle Books, 1966).

13 Robert Ellis Smith, Deborah Caulfied, David Crook and Michael Gershman, The Big Brother Book of Lists (Los Angeles: Prickstern, 1984), p. 23.

14 For instance, Trudeau's syndicate, Universal Press Syndicate, refused to release his series mocking the President Reagan-endorsed, anti-abortion documentary, "The Silent Scream." See "Shelving a Doonesbury Series," Time, June 3, 1985, p. 27. When a series criticized Frank Sinatra, the singer's attorneys threatened legal action. Editors, fearing backlash, pulled or altered the strip. See "'Ol Black Eyes," Time, June 24, 1985, p. 66. Several newspaper editors also refused to print a strip that took readers in search of President Reagan's brain. See "Doonesburying Reagan," Newsweeek, November 10, 1980, p. 121.

Another strip that that showed evangelist Pat Robertson taking campaign orders from God also met the same fate. See "Doonesbury Fans Protest its Absence," Cedar Rapids Gazette, September 15, 1986, p. 2.

15 Lurie, p. 15. See Chris Lamb, "With Malicious Intent," Target The Political Cartoon Quarterly, Autumn, 1985, p. 15; and Paul Duke Jr., "If a Cartoonist's Pen Draws Blood, Victim Can Return the Favor, Wall Street Journal, August 2, 1985, pp. 1, 14.

16 Richard Samuel West, "The Pen and the Parrot," Target The Political Cartoon Quarterly, Autumn, 1986, p. 13.

17 Laws Of Pennsylvania, Session of 1903, p. 353.

18 Press, p. 188.

19 Hess and Kaplan, book title, 1975.

20 "The Finer Art of Politics," p. 82.

21 Press, p. 67; Henry Ladd Smith, "The Rise and Fall of the Political Cartoon," The Saturday Review, May 29, 1954, p. 8; Everette E. Dennis and Melvin E. Dennis, "100 Years of Political Cartooning," Journalism History, 1: 9, Spring, 1974; and Edward Sorel, "The Limits on Drawing Power," Washington Journalism Review, p. 30.

22 Harry H. Stein, "American Muckrakers and Muckraking: The 50-Year Scholarship," Journalism Quarterly 56 (Spring 1979), p. 11. See Louis Filler, The Muckrakers (University Park: Pennsylvania State University Press, 1976); Robert C. Bannister Jr., Ray Stannard Baker (New Haven: Yale University Press, 1966); Judson A. Grenier Jr., "The Origins and Nature of Progessive Muckraking," unpublished Ph.D disseration, U.C.L.A., 1965; Frank Luther Mott, A History of American Magazines, IV, V (Cambridge: Harvard University Press, 1957, 1968); and David Chalmers, The Social and Political Ideas of the Muckrakers (New York: Citadel Press, 1964).

23 Stanley Schultz, "The Morality of Politics: The Muckrakers' Vision of Democracy," Journal of American History 52 (December 1965): 530.

24 Samuel Pennypacker, "Sensational Journalism and the Remedy," The North American Review, November, 1909, p. 590.

25 New York Sun, May 15, 1958, p. 8.

26 Smith, p. 8.

27 Press, p. 263; Edwin Emery, The Press and America: An Interpretative History of the Mass Media (Englewood Cliffs, N.J.: Prentice-Hall, Inc., 1972), p. 317; Hess and Kaplan, p. 121; and William David Sloan, "The Editorial That Swung an Election," The Masthead, Spring, 1982, pp. 17-19.

28 Hess and Kaplan, p. 49. The McDougall cartoon was an interpretation of a plutocratic dinner that had been held the night before in honor of James G. Blaine, the Republican candidate for president. Its imagery was borrowed from a Bible story illustration where Lazarus with his wife and son plead for crusts of bread from a table full of plutocrats. The cartoon caricatures a bountiful feast at Delmonico's restaurant in New York where such recognizable worthies as Jay Gould, William H. Vanderbilt, Andrew Carnegie, Russell Sage and John Jacob Astor are in attendance. The dishes being served included lobby pudding, Navy contracts, monopoly soup and other rich foods.

29 Press, p. 263.

30 West, "Cartoonists and the Law," p. 21.

31 Hess and Kaplan, The Ungentlemanly Art, p. 177.

32 Ibid, p. 177.

33 Ibid, p. 178.

34 Statutes of California, 1899, Chapter XXIX. See Hess and Kaplan, p. 178.

35 Frank Luther Mott, American Journalism A History: 1690-1960 (New York: Macmillan Co., 1962), p. 588.

36 West, "The Pen and the Parrot," p. 13.

37 Joseph Appel, The Business Biography of John Wanamaker, Founder and Builder (N.Y.: Macmillan Co., 1930), p. 30.

38 Rudolph Blankenburg, "Forty Years in the Wilderness; or, Masters and Rulers of 'the Freeman' of Pennsylvania: III Lawmakers Who Shame The Republic," The Arena, April, 1905, pp. 352-353.

39 Rudolph Blankenburg, "Forty Years in the Wilderness; or, Masters and Rulers of 'The Freeman' of Pennsylvania," The Arena, January, 1905, p. 3. See Rudolph Blankenburg, "Forty Years in the Wilderness; or, Masters and Rulers of 'The Freemen' of Pennsylvania: II The Master Spirit," The Arena, February, 1985, pp. 113-127; Blankenburg, "III Lawmakers Who Shame the Republic," pp. 345-360; James A. Kehl, Boss Rule in the Guilded Age: Matt Quay of Pennsylvania (Pittsburgh: University of Pittsburgh Press, 1981); and Dictionary of American Biography, 1935 edition, "Matthew Quay," p. 482.

40 Blankenburg, "Forty Years in the Wilderness, II," p. 352.

41 Dictionary of American Biography, 1935 edition, "Samuel Pennypacker," p. 447.

42 Clinton Rogers Woodruff, "The Paradox of Governor Pennypacker," Yale Review, 16 (August, 1907), p. 173.

43 West, "The Pen and the Parrot," p. 13.

44 Charles Nelan, Cartoons of Our War With Spain (N.Y.: Frederick A. Stokes, 1898), introduction.

45 West, "The Pen and the Parrot," p. 15.

46 Philadelphia North American, May 14, 1902, p. 1.

47 Ibid, May 16, 1902, p. 1.

48 Ibid, June 8, 1902, p. 1.

49 Ibid, June 9, 1902, p. 1.

50 Ibid, June 12, 1902, p. 1.

51 Ibid, June 13, 1902, p. 1.

52 Ibid, July 4, 1902, p. 4.

53 Ibid, August 1, 1902, p. 6.

54 Blankenburg, "Forty Years in the Wilderness, II," p. 114; See West, "The Pen and the Parrot," p. 15; "The Pennsylvania Campaign," Outlook, September 20, 1902, pp. 143-144; And "An Open Letter," Philadelphia North American, September 26, 1902, p. 8.

55 Philadelphia North American, August 4, 1902, p. 1.

56 Ibid, September 17, 1902, p. 6.

57 Ibid, September 17, 1902, p. 1.

58 Ibid, September 26, 1902, p. 1.

59 Ibid, September 26, 1902, p. 8.

60 Ibid, September 28, 1902, p. 1.

61 Ibid, November 5, 1902, p. 1.

62 Ibid, January 21, 1903, p. 1.

63 Woodruff, "The Paradox of Governor Pennypacker," p. 190.

64 Philadelphia North American, January 27, 1903, p. 1.

65 Ibid, January 28, 1903, p. 1.

66 Ibid, January 28, 1903, p. 1.

67 Ibid, January 29, 1903, p. 1.

68 Ibid, January 29, 1903, p. 6.

69 Ibid, January 29, 1903, p. 1.

70 Ibid, January 30, 1903, p. 1.

71 Walt McDougall, This Is the Life (N.Y.: Knoff, 1926), p. 266.

72 "Of Things American," Westminster (Pennsylvania) Gazette, February 17, 1903, p. 1.

73 Philadelphia North American, April 7, 1903, p. 2.

74 Ibid, April 8, 1903, p. 1.

75 Ibid, April 9, 1903, p. 1.

76 Ibid, April 9, 1903, p. 1.

77 Ibid, April 9, 1903, p. 1.

78 Ibid, April 10, 1903, p. 1.

79 Ibid, April 10, 1903, p. 1.

80 Ibid, April 10, 1903, p. 16.

81 Ibid, April 10, 1903, p. 16.

82 Ibid, April 10, 1903, p. 16.

83 Ibid, April 10, 1903, p. 16.

84 Ibid, April 10, 1903, p. 16.

85 Pennsylvania Constitution, Article I, Sec., 7.

86 "The New Pennsylvania Libel Law," Outlook, May 23, 1903, p. 203.

87 Philadelphia North American, April 11, 1903, p. 1.

88 Philadelphia North American, April 11, 1903, p. 1.

89 The Nation, April 16, 1903, p. 302.

90 Philadelphia, North American, May 1, 1903, p. 1.

91 Laws of Pennsylvania, Session of 1903, p. 353.

92 Philadelphia North American, May 13, 1903, p. 1. See Samuel Pennypacker, "Message of the Governor Accompanying Senate Bill No. 690 to Authorize Civil Action for the Recovery of Damages Arising from Newspaper Publications, Negligently Made," Approved May 12, 1903, p 6.

93 Ibid, May 13, 1903, p. 1. See Samuel Pennypacker, "Message of the Governor Accompanying Seante Bill No. 690," p. 6.

94 Ibid, May 16, p. 1.

95 Ibid. May 13, 1903, p. 1. See Samuel Pennypacker, "Message Accompanying Senate Bill No. 690," p. 6.

96 Ibid, May 15, 1903, p. 1.

97 "Forgiven," New York Sun, May 16, 1903, p. 1.

98 Philadelphia North American, May 20, 1903, p. 1.

99 Ibid, May 20, 1903, p. 1.

100 Ibid, May 20, 1903, p. 1.

101 Ibid, May 20, 1903, p. 1.

102 "Press Gag History Is Recommended To Historian Who Has Missed the Point," New York Evening Post. Reprinted in Philadelphia North American, May 16, 1903, p. 16.

103 "Offense of 'Majestaetsbeleidigung,' Known in Dark Ages, is Vivid to Him," New York Times. Reprinted in Philadelphia North American, May 18, 1903, p. 16.

104 "Alien and Sedition Acts Mild Compared With Pennypacker's Pet," Cincinnati Commercial Tribune. Reprinted in Philadelphia North American, May 16, 1903, p. 16.

105 "Muzzle Bill Designed to Protest Thieving Officials and Grafters," The Chicago Record-Herald. Reprinted in Philadelphia North American, May 16, 1903, p. 16.

106 "The New Pennsylvania Libel Law," New York Sun, May 15, 1903, p. 8.

107 "The New Libel Law: Is It Constitional?" Outlook, May 23, 1903, p. 203.

108 The Nation, May 21, 1903, p. 406.

109 "Report of the Ninth Annual Meeting of the Pennsylvania Bar Association," held in Cambridge Springs, Pennsylvania, June 29-30 and July 1, 1903, p 13.

110 Woodruff, "The Paradox of Governor Pennypacker," p. 177.

111 Woodruff, "The Paradox of Governor Pennypacker," p. 178.

112 McDougall, p. 266.

113 West, "The Pen and the Parrot," p. 20.

114 Woodruff, "The Paradox of Governor Pennypacker," p. 178.

115 Laws of Pennsylvania, Session of 1907, p. 126.

116 Samuel Pennypacker, "First Annual Message of Former Governor Samuel W. Pennypacker Before Philobiblon Club," October 24, 1907. Reprinted in Philadelphia North American, October 26, 1907, p. 1.

117 Samuel Pennypacker, "Sensational Journalism and the Remedy," November, 1909, p. 590.

118 Woodruff, "The Paradox of Governor Pennypacker," p. 177.

119 Who Was Who In America, 1897-1942, 1942, p. 958.

120 Woodruff, "The Paradox of Governor Pennypacker," p. 177.